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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,243	05/31/2000	Takao Yamamoto	39303.2014800	4247

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MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

EXAMINER

WARREN, DAVID S

ART UNIT PAPER NUMBER

2837

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,243

Applicant(s)

YAMAMOTO, TAKAO

Examiner

David S. Warren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claims 1 - 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Eitaki et al. (5,278,348). Regarding claims 1, 4, 5, 9, 15, 18, and 21 - 28, Eitaki discloses an extension board (ROM card 12) for storing patterns (i.e., sequences) and a reproducing device for reproducing musical tone signals (col. 5, lines 36 – 40). The read out device (I/O interface of claim 4) is inherent, since all data stored in ROM 12 must be read out. The “extended music element” is considered to be the additional waveform data (e.g., tone color or timbre) stored in ROM 12. The setting device is shown by Eitaki as element 30 (fig. 2) which sets info as well as “sends” data to extension board 12. Eitaki states that data is taken from both ROM 9 and ROM card 12, therefore, the “tone generator is independently incapable of generating musical tone signals having the extended music element” (this is also considered to be “mixing” of the tone color data, i.e., mixing data from ROM 9 and ROM 12, which meets applicants claims 17 and 20). The second synthesizer is the waveform data located on extension board ROM 12. “[A]ctivating a first music synthesizer of the musical tone generation device” is shown by Eitaki’s elements 1 and 2 (fig. 1). “[I]nitiating the setup for the reproduction of the musical tone signals” is shown by Eitaki as the manual operation of element 26 (or 34).

Regarding claims 2, 10, 16, and 19, waveform data inherently contains “tone color” (see col. 6, line 6 – tone color is synonymous with timbre). Since Eitaki provides an editing means for extension board 12 data, this would allow the data thereon to be “different” than that of the synthesizer section. Regarding claims 3, 11, 16, 13, and 19, Eitaki teaches that extension board contains arpeggio data (col. 5, line 24). Regarding claims 6, 7, and 12, Eitaki teaches “various kinds of waveform data” are stored in ROM (i.e., a plurality of tones and arpeggios are “secured”). The term “secures” in claims 12 and 13 is interpreted to mean “addressable” or “readable” from ROM. Regarding claim 14, by definition “arpeggios” are time-shifted note patterns outlining a chord. In the Eitaki teachings, automatic arpeggios are performed by playing a single note – hence, other notes are shifted in time from the original to complete the arpeggio. Regarding claim 8, Eitaki shows that “power on” initiates a sequence performance process (step 05 of fig. 7). Since Eitaki states that all functions (sequences, waveform data, arpeggios) of ROM 10 can be performed by extension board 12, figure 7 of Eitaki is considered to operate in accordance with ROM 12 (and therefore meets applicant’s claim 8).

Conclusion


3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Hiramatsu ('311) also discloses the use of an extension board (191, 199) that is used for “storing pattern information” and has an “extended music element” and “secures a plurality of extended tone colors.”

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Warren whose telephone number is 703-308-5234. The examiner can normally be reached on M-F, 9 A.M. to 5:30 P.M..
5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on 703-308-3370. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.
6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



dsw
March 5, 2003



ROBERT E. NAPPI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800